



DEPARTMENT OF THE NAVY
NAVAL AIR SYSTEMS COMMAND
WASHINGTON, D.C. 20361

IN REPLY REFER TO
NAVAIRINST 5870.3C
AIR-OOP
23 Jun 1980

NAVAIR INSTRUCTION 5870.3C

From: Commander, Naval Air Systems Command

Subj: Administration of Patent Rights clauses in Naval Air Systems Command Headquarters contracts (R)

Ref : (a) DAR 9-109.3(a)
(b) NCD 9-109
(c) DAR 9-109.3(b)
(d) NCD 9-107.50(a)
(e) DAR 7-302.23

1. Purpose. This instruction sets forth guidelines for Contract Administration Offices (CAOs) in the administration of Naval Air Systems Command Headquarters (NAVAIR HQ) contracts containing Patent Rights clauses. (R)

2. Cancellation. NAVAIRINST 5870.3B of 8 September 1977 is hereby superseded. (R)

3. Background

a. References (a) and (b) require the Naval Air Systems Command (NAVAIR) to maintain a system to assure that inventions resulting from work done under NAVAIR HQ contracts are identified and Government rights therein established and protected. Under reference (b) NAVAIR HQ is responsible for the maintenance of a system for detecting and correcting failures of contractors to comply with their obligations to document and report inventions made under NAVAIR HQ contracts. (R)

b. NAVAIR Patent Counsel (AIR-OOP) is charged with the maintenance of an active follow-up program to discharge the responsibilities of NAVAIR under references (a) and (b) with respect to the identification of and the establishment and protection of Government rights in inventions made under NAVAIR HQ contracts and subcontracts thereunder. A Patent Rights clause of reference (e) is required to be included in each NAVAIR HQ contract and subcontracts issued thereunder calling for experimental, developmental or research work. NAVAIR Patent Counsel advises as to the compliance by contractors and subcontractors with the requirements of such clauses.

c. The Patent Rights clauses provided by reference (e) require the contractor to furnish invention reports, invention disclosures and documents confirming the rights of the Government in inventions and to promptly notify the contracting officer in writing upon the award of any subcontract containing a Patent Rights clause by identifying the subcontractor, the applicable Patent Rights clause, the work to be performed under the subcontract and the dates of award and estimated completion. The contractor is required to furnish a copy of the subcontract upon request of the contracting officer.

d. References (c) and (d) set forth the responsibilities of the Administrative Contracting Officer (ACO) with respect to the obtaining and forwarding to the Procuring Contracting Officer (PCO) of the invention reports, invention disclosures and other documents required to be furnished under the Patent Rights clause.

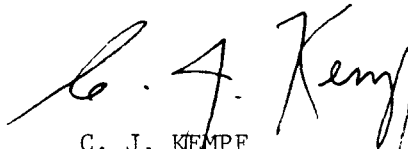
4. Action

R) a. CAOs charged with the administration of NAVAIR HQ prime contracts containing Patent Rights clauses shall forward to NAVAIR HQ (AIR-OOP) all Reports of Inventions and Subcontracts, whether submitted on DD Form 882 or otherwise, and all other documents required to be furnished by contractors and subcontractors under the Patent Rights clause of the contracts and subcontracts thereunder. Subcontractor reports and documents should normally be submitted through the prime contractor to the CAO. However, if this procedure would result in the disclosure of information to the prime contractor which would be to the disadvantage of the subcontractor, the subcontractor may submit his reports and documents directly to the CAO cognizant of the prime contractor.

b. Contract actions required by references (a) through (d) should not be considered to have been completed until notification has been received from AIR-OOP of the satisfactory compliance by the contractor or subcontractor with the requirements of the Patent Rights clause.

5. Form. DD Form 882, Stock Number 0102-LF-000-8820, Report of Inventions and Subcontracts, is available in the cognizance symbol "I" supply system and may be requisitioned in accordance with NAVSUP Publication 2002. CAOs are responsible for securing supplies for contractors under their cognizance.

6. Report. OMB number 22-R0160 has been assigned to the Report of Invention and Subcontracts.


C. J. KEMPF
Vice Commander

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